

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:21-cv-00148-MR-WCM**

THE CHARTER OAK FIRE)
INSURANCE COMPANY, THE)
PHOENIX INSURANCE COMPANY,)
and TRAVELERS PROPERTY)
CASUALTY COMPANY OF)
AMERICA,)
)
Plaintiffs,)
)
vs.)
)
GRAHAM COUNTY LAND)
COMPANY, LLC,)
)
Defendant.)
)

ORDER

THIS MATTER is before the Court on the withdrawal of counsel of record for the Defendant Graham County Land Company, LLC [Doc. 12] and the Magistrate Judge's Memorandum and Recommendation [Doc. 16] regarding the entry of default against the Defendant.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to hear and determine pretrial matters in this case and to submit a recommendation for the resolution of any dispositive matters.

On May 3, 2022, the Magistrate Judge entered an Order allowing counsel for the Defendant to withdraw from any further representation of the Defendant in this matter. [Doc. 12]. In the Order, the Defendant was specifically advised that new counsel had to file a notice of appearance on or before May 16, 2022, and that failure to retain new counsel may result in a recommendation that default be entered against the Defendant. [Id.]. On May 19, 2022, the Magistrate Judge filed a Memorandum and Recommendation in this case noting that new counsel had not appeared on behalf of the Defendant and recommending that default be entered. [Doc. 16]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has now expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation and will direct the Clerk to enter default against the Defendant.

IT IS, THEREFORE, ORDERED that the Clerk of Court shall enter default against the Defendant Graham County Land Company, LLC.

The Clerk is respectfully directed to send a copy of this Order to the Defendant at its address listed on the docket and to counsel for the Defendant's Receiver at the address listed in the Motion to Withdraw [Doc. 9].

IT IS SO ORDERED.

Signed: June 13, 2022



Martin Reidinger
Chief United States District Judge

